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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BANK OF AMERICA, N.A., SUCCESSOR BY
MERGER TO BAC HOME LOANS
SERVICING, LP FKA COUNTRYWIDE
HOME LOANS SERVICING, LP, AND
FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Plaintiff,

vs.

DECATUR MOUNTAIN VILLAS
HOMEOWNERS' ASSOCIATION, INC. AND
G.J.L., INCORPORATED D/B/A PRO FORMA
LIEN & FORECLOSURE SERVICES.

Defendants.

Case No.: 2:16-cv-02765-APG-NJK

**STIPULATION AND ORDER OF FINAL
JUDGMENT CONFIRMING EXISTENCE
AND VALIDITY OF DEED OF TRUST**

Plaintiffs Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP, fka Countrywide Home Loans Servicing, LP (**BANA**) and Federal National Mortgage Association (**Fannie Mae**) and defendant Decatur Mountain Villas Homeowners Association (**Decatur**), through their counsel of record, being the only parties to have appeared in this action, stipulate as follows:

1. This matter relates to real property located 4852 Partegus Street, North Las Vegas, Nevada, 89031, APN 124-31-415-001 (the **Property**). The Property is more specifically described as:

1 Parcel One (1):

2 An undivided 1/50th interest (except Association Property) in the Common
3 Elements, sometimes Common Areas, within Phase 1 of Decatur Mountain
4 Villas (A Condominium Development and Common Interest Community), as
5 shown by map thereof on file in Book 107 of Plats, Page 59, in the Office of
6 the County Recorder, Clark County, Nevada.

7 Excepting Therefrom all Living Units and Association Property in Phase 1 of
8 Decatur Mountain Villas, (A Condominium Development and Common
9 Interest Community).

10 And Reserving Therefrom the right to possession of all those areas designated
11 as Limited Common Elements, sometimes Exclusive Use Areas, within the
12 Common Elements, as shown on the Condominium Plat referred to above.

13 And Further Reserving Therefrom for the benefit of the Owners of
14 Condominiums in subsequent phases, a non-exclusive easement on, over and
15 across the Private Drive and Recreational Areas as defined and shown upon
16 the Plat referred to above for ingress, egress and recreational use, subject to
17 the Declaration of Covenants, Conditions and Restrictions for Decatur
18 Mountain Villas Homeowners Association recorded April 22, 2003 in
19 Book 20030422 as Document No. 01346 and Amended and Restated
20 Declaration of Covenants, Conditions and Restrictions for Decatur Mountain
21 Villa, recorded July 17, 2003 in Book 20030717 as Document No. 00855 of
22 Official Records, to which reference is hereafter made.

23 Parcel Two (2):

24 Living Unit A in Building 1 of Decatur. Mountain Villa (A Condominium
25 Development and Common Interest Community), as shown by map referred
26 to above.

27 Parcel Three (3):

28 The exclusive right to use, possession and occupancy of those portions of the
Limited Common Elements, sometimes Exclusive Use Areas, within the
Common Elements, described upon the plat and as referred to in Section
9.6(b) of the Declaration, which are appurtenant to and for the exclusive use
of Parcel I & II.

Parcel Four (4):

A non-exclusive easement in ingress, egress and recreational use on and over
the Private Drives and Recreational Areas of Horizon Hills, as shown by map
referred to above, and future units, which easement is appurtenant to Parcel
One (1), Two (2) and Three (3) described above.

1 2. BANA, as servicer for Fannie Mae, is the beneficiary of record of a Deed of Trust that
2 encumbers the Property and was recorded on November 16, 2004, as Document Number 20041116-
3 0004693, in the Official Records of Clark County, Nevada (the **Deed of Trust**).

4 3. On September 26, 2012, Decatur recorded a Foreclosure Deed as Document
5 Number 201209260003385 of the Official Records of Clark County, Nevada (the **HOA Foreclosure**
6 **Deed**), reflecting that Decatur purchased the Property at its foreclosure sale of the Property conducted
7 on September 13, 2012 (the **HOA Sale**). Decatur has not transferred its interest in the Property and is
8 still the title holder of record.

9 4. On December 2, 2016, BANA and Fannie Mae initiated a quiet title action against
10 Decatur in the United States District Court, District of Nevada, Case No. 2:17-cv-02765 (the **Quiet**
11 **Title Action**).

12 5. Fannie Mae, BANA, and Decatur have entered a confidential settlement agreement in
13 which they have settled all claims between them in this case. This stipulation and order applies to the
14 matters addressed in this particular case only and has no relevance to any other matter.

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ORDER

Based on the above stipulation between plaintiffs Bank of America, N.A. (**BANA**) Federal National Mortgage Association (**Fannie Mae**) and defendant Decatur Mountain Villas Homeowners Association (**Decatur**), the Parties' agreement, and good cause appearing therefore,

IT IS ORDERED that the Deed of Trust recorded in the Official Records of Clark County, Nevada against the real property located 4852 Partegus Street, North Las Vegas, Nevada, 89031, APN 124-31-415-001 (the **Property**) on November 16, 2004, as Document Number 20041116-0004693, was not extinguished, impaired, or otherwise affected by the foreclosure sale of the Property conducted by Decatur on September 13, 2012 or the recording of the HOA Foreclosure Deed in the Official Records of Clark County, Nevada, on September 26, 2012, as Document Number 201209260003385, reflecting that Decatur purchased the Property at the foreclosure sale. Decatur's ownership interest in the Property is subject to the Deed of Trust.

IT IS FURTHER ORDERED that Plaintiffs shall be entitled to record this STIPULATION AND ORDER CONFIRMING VALIDITY OF DEED OF TRUST in the Official Records of Clark County, Nevada in accordance with the rules of the Recorder's Office.

IT IS FURTHER ORDERED that this order constitutes the final judgment of this Court, resolving all claims in this case with prejudice, each party to bear its own fees and costs.

Dated: March 30, 2018.


UNITED STATES DISTRICT COURT JUDGE

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Respectfully submitted by:

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/s/ Vatana Lay

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